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Electronically Filed On: March 4, 2022

Counsel for Shelley D. Krohn, Chapter 7 Trustee

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

LAS VEGAS LAND PARTNERS, LLC,

Debtor.

Case No. BK-S-19-15333-MKN
Chapter 7

**DECLARATION OF CHRISTINA ROUSH
IN SUPPORT OF APPLICATION TO
EMPLOY CUSHMAN & WAKEFIELD
U.S., INC. DBA CUSHMAN &
WAKEFIELD TO SELL CERTAIN REAL
PROPERTY AND TO PAY
COMMISSION PURSUANT TO 11 U.S.C.
§§ 327(a) AND 328(a) AND FEDERAL
RULE OF BANKRUPTCY PROCEDURE
2014**

Date of Hearing: April 7, 2022
Time of Hearing: 11:00 a.m.
Place: Courtroom No. 2, Third Floor
Foley Federal Building
300 Las Vegas Blvd., S.
Las Vegas, NV 89101

Judge: Honorable Mike K. Nakagawa

I, Christina Roush, hereby declare as follows:

1. I am over the age of 18 years and I am competent to make this declaration. I have personal knowledge of the facts set forth herein, except for those facts stated on information and belief and, as to those facts, I am informed and believe them to be true. If called as a witness, I could and would testify as to the matters set forth below based upon my personal knowledge.

2. I make this declaration to support the *Application to Employ Cushman & Wakefield U.S., Inc. dba Cushman & Wakefield to Sell Certain Real Property and to Pay*

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1 *Commission Pursuant to 11 U.S.C. §§ 327(a) and 328(a) and Federal Rule of Bankruptcy*
2 *Procedure 2014 (the “Application”).¹*

3 3. This Declaration is made pursuant to Section 327 and FRBP 2014(b) and is in
4 support of the Application.

5 4. Cushman & Wakefield U.S., Inc. dba Cushman & Wakefield (“C&W”) is well
6 suited for the type of representation required by the Trustee. C&W specializes in the marketing
7 and sale of commercial real property throughout the United States. Accordingly, the Trustee has
8 determined that C&W has the resources and experience necessary to effectively market and sell
9 the Property in a manner that will derive the greatest benefit for the Debtors’ bankruptcy estate
10 and its creditors.

11 5. A true and correct copy of the proposed engagement letter with the Trustee is
12 attached hereto as **Exhibit “1”**.

13 6. Following the Trustee’s request that C&W market and sell the Property, C&Ws
14 conducted a search of its client list.

15 7. Based upon this review of its client list, C&W determined that it is a “disinterested
16 person” as defined by 11 U.S.C. § 101 and does not hold or represent any interest adverse to the
17 bankruptcy estate, except as stated below.

18 8. The conclusion that C&W is a “disinterested” person within the meaning of 11
19 U.S.C. § 101(14) for purposes of 11 U.S.C. § 327(a) is based upon the fact neither C&W nor any
20 of its associates:

- 21 (a) Are or were a creditor, equity security holder, or insider of
22 the Debtors except as set forth herein;
- 23 (b) Are or were, within two (2) years before the date of the
24 filing the bankruptcy petition, a director, officer or
25 employee of Debtors as specified in subparagraph (c) of
Section 101(14) except as set forth herein;

26 ¹ Unless otherwise indicated, all chapter and section references are to the Bankruptcy Code, 11
27 U.S.C. §§ 101-1532, and to the Federal Rules of Bankruptcy Procedure, Rules 1001-9037. The
28 Federal Rules of Civil Procedure will be referred to as “FRCP” and the Federal Rules of
Bankruptcy Procedure will be referred to as “FRBP.” Unless otherwise expressly stated herein,
all undefined, capitalized terms shall have the meaning ascribed to them in the Application.

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(c) Hold, or have ever held, an interest materially adverse to the interest of the estate or of any class of creditors, equity holders, or parties in interest, by reason of any direct or indirect relationship to, or interest in, the Debtors or for any other reason except as stated herein;

(d) Represent, or have ever represented, the Debtors, insiders of the Debtors, creditors of the Debtors, any other party in interest, or their respective attorneys and accountants except as set forth herein; and

(e) Is a relative or employee of the U.S. Trustee or a Bankruptcy Judge except as stated herein.

9. To the best of C&W's actual knowledge (without any duty of inquiry), none of the brokers, employees or agents of C&W that will be directly involved in the marketing and sale of the Property have any connection with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee.

10. C&W represents no interest that is adverse to the Trustee, to the Debtors' estate, any creditor, any party in interest, the U.S. Trustee, or any attorney or accountant employed by the foregoing, in matters upon which it will be engaged as a realtor.

11. C&W is a disinterested person within the meaning of 11 U.S.C. § 101(14) for purposes of 11 U.S.C. § 327(a), as it pertains to representing the Trustee in marketing and sell the Property.

12. Subject to Court approval, the Trustee seeks to pay C&W pursuant to the following commission structure: one percent (1%) of the total sales price of the Property. The commission shall be computed based on the total sales price, which shall include any mortgages, loans, or other obligations which may be assumed by a purchaser.

13. The Debtor's bankruptcy estate shall be responsible for payment of forty percent (40%) of the commission and Forest City shall be responsible for payment of sixty percent (60%) of the commission.

14. The term of the employment of C&W will expire on March 6, 2023.


...

1 15. The Application requests that the employment of C&W be approved as of the
2 filing of this Application.

3 16. No promises have been received by C&W or any of its associates, as to payment or
4 compensation in connection with the above-referenced bankruptcy case in accordance with the
5 provisions of the Bankruptcy Code, the FRBP, the Local Rules, and orders of the Court.

6 I declare under penalty of perjury under the laws of the United States that the foregoing is
7 true and correct.

8 Dated this ^{Feb 25, 2022} ____ day of February, 2022.

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11 Christina Roush (Feb 25, 2022 16:01 PST)
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